

United States District Court
Central District of California
Western Division

JAMES and LAURIE RYAN,

Plaintiff,

v.

MTV NETWORKS, INC., et al,

Defendant.

CV 02-4308-TJH(PLAx)

Order re:

Jury

Instructions

It is Ordered that counsel shall prepare and file proposed jury instructions in accordance with the procedures set forth in this Order. *Failure to comply with this Order shall subject counsel to sanctions, in addition to the instructions being returned to be properly prepared.*

The Court prefers instructions from Kevin F. O'Malley, et al., *Federal Jury Practice and Instructions* (5th ed. 2001), modified only if necessary to fit the circumstances of each case. Attached is a list of the Court's general civil jury instructions which will be given when applicable.

1 It is further Ordered that:

2 1. Counsel shall confer within ten days of receipt of this Order to set the
3 dates by which:

4 a. Plaintiff(s) must serve proposed jury instructions on defendant(s);

5 b. Defendant(s) must serve objections to plaintiff's proposed jury
6 instructions together with any additional instructions defendant(s)
7 intend(s) to offer; and

8 c. Plaintiff(s) must serve objections to defendant's proposed
9 instructions.

10 2. After all of the proposed instructions, and objections thereto, have been
11 exchanged, Counsel shall meet and attempt to settle any disagreements.

12 3. No later than one week prior to trial, counsel shall file:

13 a. **A joint set** of proposed jury instructions to which there is
14 agreement;

15 b. **Separate sets** of proposed instructions for those instructions, if
16 any, to which there are unresolved objections, *accompanied by specific*
17 *points and authorities* in support of the instructions. The Court will
18 not consider separate instructions from a party that fails to submit
19 specific points and authorities; and

20 c. **Objections** to the separate sets of proposed instructions
21 *accompanied by specific points and authorities*. The failure to submit
22 specific points and authorities in opposition may be deemed to be an
23 acceptance of the proposed instructions.

24 4. The jury instructions contained in each set of proposed instructions shall
25 be numbered sequentially, starting at one. Do not skip any numbers.

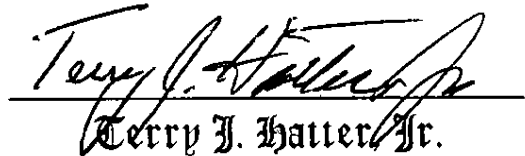
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1 5. Each set of proposed jury instructions shall include, on a separate page,
2 a tabular list of the proposed instructions with its sequential number, its
3 *Fedral Jury Practice and Instructions* number, the title (or a brief description)
4 of each proposed instruction, and whether the instruction is modified.

5 6. In addition to the tabular list, each set of proposed jury instructions
6 shall include the full text of all instructions. Each instruction shall be typed
7 on a separate page, which shall include, on the same page as the text, the
8 instruction's title, source, whether and how it is modified, and the authorities
9 which support the instruction and any modifications thereto. If the instruction
10 has been modified to reflect the facts of the case, so indicate.

11 7. A complete copy of the annotated instructions shall be submitted on a
12 PC format computer disk and given to the courtroom deputy clerk on the first
13 day of trial. The acceptable word processing file formats are WordPerfect or
14 Word. Alternatively, the files may be ASCII text.

15 8. After both sides have rested, and before arguments, the Court will meet
16 with Counsel and settle the proposed instructions along with any others
17 warranted by unexpected developments during the course of the trial.

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22 Terry J. Hatter, Jr.
23 United States District Judge
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1 The following standard jury instructions, from Kevin F. O'Malley, *et al.*,
2 *Federal Jury Practice and Instructions* (5th ed. 2001), will be given by the Court,
3 when applicable:

- 4 11.03 Objections and Rulings
- 5 102.72 Court's Questions to Witnesses
- 6 102.70 Court's Comments to Counsel
- 7 103.01 General Introduction – Province of the Court and Jury
- 8 103.10 Instructions Apply to Each Party
- 9 103.11 All Persons Equal Before the Law – Individuals
- 10 103.12 All Persons Equal Before the Law – Organizations
- 11 (Corporations)
- 12 103.30 Evidence in the Case – Stipulations – Judicial Notice –
- 13 Inferences Permitted
- 14 104.01 Preponderance of the Evidence
- 15 104.04 "If You Find," or "If You Decide"
- 16 104.05 Evidence – Direct – Indirect or Circumstantial
- 17 104.20 Inferences Defined
- 18 104.21 Presumption of Regularity – Ordinary Course of Business –
- 19 Obedience to Law
- 20 104.40 Expert Witness
- 21 104.53 Oral Admissions – Viewed with Caution
- 22 104.54 Number of Witnesses
- 23 104.26 Failure to Produce Available Evidence
- 24 105.01 Credibility of Witnesses - Discrepancies in Testimony
- 25 105.02 Depositions – Use as Evidence
- 26 105.04 Impeachment – Inconsistent Statements or Conduct

- 105.09 Effect of Prior Inconsistent Statement or Conduct
- 105.11 All Available Evidence Need Not Be Produced
- 106.01 Verdict – Unanimous – Duty to Deliberate
- 106.02 Effect of Instructions as to Damages
- 106.03 Verdict – One of Multiple Defendants
- 106.04 Election of Foreperson – General Verdict
- 106.05 Special Verdict
- 106.07 Verdict Forms – Jury's Responsibility
- 106.08 Communications Between Court and Jury During Deliberations